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THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

Written statement of Disabled Peoples' International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 August 1991]

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Independent living versus institutionalization

1. Independent living as a movement has spread over many countries of the world and has become an international movement. This is one of the major achievements of the United Nations Decade of Disabled Persons. While we acknowledge that some governments have undertaken large efforts in supporting independent living programmes in their countries, we have to point out that this change of governments' attitudes was primarily brought about by the social movements of disabled people in each country.

2. As the Special Rapporteur, Mr. Leandro Despouy, made clear in his final report on human rights and disability (E/CN.4/Sub.2/1991/31), discrimination against persons with disabilities is rampant worldwide. We are pleased that the Special Rapporteur presented many of the key issues in this area of great concern. We totally agree with his statement in paragraph 206 that the primary obligation to fight discrimination and remove all barriers to full integration of persons with disabilities falls on governments.

3. In order to achieve that goal, governments have to go beyond the point of viewing independent living as a kind of social benefit, which might be granted or not, depending on the social budget of a given community. Access to independent living services must be considered as a fundamental human right for disabled people all over the world. To leave the task of establishing and disseminating independent living services to charity organizations constitutes a violation of human rights.

4. Governments have to undertake action to support programmes based on the basic principles of the philosophy of independent living. Some of these principles are:

(a) Disabled people have a right to equality and access to every field of societal, economical and political life;

(b) Disabled people are the best experts concerning their own affairs. No matter what kind of disability a person has (be it physical, mental or psychological) and no matter how severe the disability is, a disabled person can decide for himself or herself where and how he or she wants to live. However, in order to make this decision, there must be a wide range of various independent living services, such as community-based personal assistance services, accessible housing and transportation;

(c) There is no need to separate disabled people from the non-disabled population. Segregated education and institutionalization are the most severe forms of discrimination of disabled people. DPI strongly opposes segregation and institutionalization as a violation of fundamental human rights. In cases where institutionalization is considered the exceptional solution, the disabled person has to be considered as a detainee who has human rights with access to legal remedies, such as those mentioned by the Special Rapporteur in paragraphs 214-215 of his report.

5. In no way may absence of independent living services - such as personal assistance services - be used to justify institutionalization of disabled people. Governments are under legal duty to assure that these services are made available through government programmes or other government-supported efforts.

6. Independent living as a concept of self-determination and equality also implies the right for disabled people to be different. This means, as the Special Rapporteur has pointed out in paragraph 220, that society has the duty to adjust to disabled people's needs. Society has no right to demand that disabled people surrender their right to be different and comply with discriminatory circumstances. It also means that disabled people have a right to look different, or act differently without losing their equal rights. DPI is deeply concerned about the growing tendencies in many countries to fight what is considered the "disability problem" by extermination through practices of genetic engineering or euthanasia.